

UNITED DISTRICT COURT FOR DISTRICT OF
COLUMBIA

SALEEM EL AMIN
PO BOX 1029
Leavenworth, KS 66048
V.

no.

Ms. WORKMAN

EDUCATION DEPARTMENT

FCI MCDOWELL

PO BOX 1029

MCDOWELL, WV 24801

Case: 1:18-cv-01811

Assigned To : Unassigned

Assign. Date : 7/30/2018

Description: FOIA/Privacy Act (I-DECK)

UNITED STATES

950 PENNSYLVANIA AVE N.W.

ROOM 5614

WASHINGTON, DC 20530

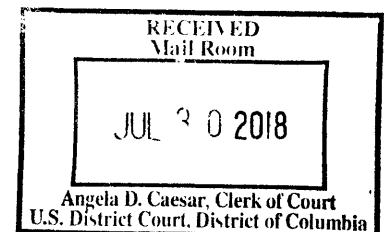
COMPLAINT

This court has jurisdiction pursuant to

5 uscs 552a (g) (5)

1. STATEMENT OF FACTS

On 3/1/2018 I requested to review my education records and receive a copy of that record (EXHIBIT 1). Ms. Workman of the education department invaded my privacy when she failed to permit me to view my record because she did not acknowledge in writing within 10 days that she received my request to view my education record and provide me a copy. 5 uscs 552a (d) (1)



and 552a (d) (2) .

2. STANDARD REVIEW

(1) Each agency that maintains a system of records shall upon request by an individual to gain access to his record or at any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all portion thereof (2) permit the individual to request amendment of a record and no later than 10 days after the date of receipt of such request, acknowledge in writing such receipt. 5 uscs 552a (d). It is the invasion of the right to privacy that is the essence of the action. See 62 Am. Jur. 2d Privacy 45(1972) The right to privacy is actionable even though the plaintiff suffered no injuries Parks v. United States IRS 618 f.2d 677(10th cir. 1980)

Under 5 usc 552(g) (4) the United States has consented to be sued by persons whose right to privacy has been invaded. Id at 683

Because Ms. Workman failed to respond to my request within 10 days in writing and did not allow me view my records she invaded my privacy. 552a usc (d)

3. ARGUMENT

A.) Jurisdiction

This court has jurisdiction because an action to enforce any liability under this section may be brought in the district of Columbia.5 usc 552a (g) (5)

B.) Consent to be sued

I argue the United States shall be liable in any suit brought under the provisions of subsection (g) (1) (D) of 5 uscs 552a

C.) Invasion of Privacy

I argue that Ms.Workman invaded my right to privacy because she failed to permit to view my records when she did not respond to my request to view education records in writing with in 10 days. See 5 usc 552a (d) (1) and 552a (d) (2).; See Parks v. United States IRS 618 F.2d 677,683 (10th cir. 1980)

D.) Liability

I argue that Invasion of privacy is a personal wrong that is actionable even if I did not suffer any physical harm. Parks v. United States IRS, 618 F.2d 677,683 (10th cir. 1980) It is the invasion of the right that is actionable. See 62 Am. Jur. 2d privacy 45 (1972)

E.) Remedy

I request \$1,000.00 from the United States and I request \$5,000.00 from Ms. Workman for adverse effect because I have alleged that I was a victim of failure to permit me to and allow me to view my records and constitute psychological harm. 5 used 552a; See *Parks v. United States*, 618 F.2d at 683

RELIEF

For the reasons stated above this court shall grant me a total \$6,000.00

SALEEM EL AMIN

7/18/2018i

EXHIBIT 1

TRULINCS 72095083 - ELAMIN, SALEEM - Unit: MCD-B-A

FROM: 72095083

TO: Education

SUBJECT: ***Request to Staff*** ELAMIN, SALEEM, Reg# 72095083, MCD-B-A
DATE: 03/01/2018 10:16:37 AM

To: Ms. Workman

Inmate Work Assignment: GM2

I would like to view my education records and receive a copy for my files

APPENDIX



U.S. Department of Justice

Federal Bureau of Prisons

Beckley Consolidated Legal Center

*1600 Industrial Park Road, P.O. Box 1280
Beaver, West Virginia 25813*

June 5, 2018

Saleem Elamin
Reg. No. 72095-083
LEAVENWORTH USP
P.O. BOX 1000
LEAVENWORTH, KS 66048

Re: Administrative Claim No. TRT-MXR-2018-04931

Dear Mr. Elamin:

Your administrative claim filed with the Bureau of Prisons under the Federal Tort Claims Act, 28 U.S.C. § 2671, et seq., has been considered for administrative settlement. You claim government liability in the amount of \$1,000.00. Specifically, you allege your privacy was invaded by Education Department staff at FCI McDowell.

You allege a violation of the Privacy Act. In *FDIC v. Meyer*, 114 S. Ct. 996 (1994), the Supreme Court explained that to be actionable under the Tort Claims Act, a claim must allege that the United States would be liable to the claimant as a private person in accordance with the law of the place where the act or omission occurred. Because by definition federal law, not state law, provides the source of liability for your claim, the United States has not rendered itself liable under the tort claim provisions for your claim.

Based on the above, your claim is denied. This is a final denial of your claim. If you are not satisfied with this determination, you have six months from the date of mailing of this letter to bring suit in an appropriate United States District Court, should you wish to do so.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew W. Mellady".

Matthew W. Mellady
Regional Counsel